

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

SHERMAN-STOLTZ LAW GROUP, PLLC)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:21-cv-00004
)	
NEXUS SERVICES, INC.,)	
)	
Defendant.)	
)	

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT – RULE 56 and RULE
12(b)(1) – LACK OF SUBJECT MATTER JURISDICTION**

Defendant NEXUS SERVICES, INC. (“Nexus”), by and through its undersigned Counsel, renews its Motion to Dismiss (ECF 6) and in addition hereby Moves this Court to award Summary Judgment in favor of Defendant pursuant to Rules 56, and 12(b)(1), Federal Rules of Civil Procedure.

Defendant so moves where discovery by the Parties has shown it undisputed that Defendant’s “principal place of business” and “nerve center” of corporate operations for jurisdictional purposes is located at 113 Mill Place Parkway, Verona, Virginia 24482. See, e.g., Hertz Corp. v. Friend, 559 U.S. 77, 80-81 (2010). Accordingly, Defendant is a corporate citizen of Virginia, as is Plaintiff, and Plaintiff cannot meet its burden of proving the complete diversity of citizenship between the Parties as required to maintain an action in this United State District Court. See 28 U.S.C. §1332(a)(1) (1948, as amended).

As set forth in Defendant’s Memorandum in Support, attached hereto and filed herewith, Defendant asserts that it has proven by preponderant evidence that this Court lacks federal

diversity subject-matter jurisdiction over this common law contract-based civil action. Defendant asks this Court to award Summary Judgment to Defendant dismissing this matter immediately.

Respectfully submitted,

NEXUS SERVICES, INC.

By and through its Counsel,

/s/ Christopher M. Okay

January 14, 2022

Christopher M. Okay, Esq. VSB#35611

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CERTIFICATE OF SERVICE

I hereby Certify, under penalty of perjury under the laws of the United States of America, and the Commonwealth of Virginia, that on this 14th day of January 2022, I served, electronically through the CM/ECF electronic filing system of the United States District Court for the Western District of Virginia, and by regular mail as appropriate, a copy of Defendant's Motion to Dismiss (Rule 12(b)(1)) and Memorandum in Support, the following Counsel for Plaintiff:

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/s/ Christopher M. Okay

Christopher M. Okay VSB#35611